

(2) *Fumigation schedules.* Fumigation of cut flowers for agromyzids (insects of the family Agromyzidae) must consist of fumigation with methyl bromide at normal atmospheric pressure in a chamber or under a tarpaulin in accordance with one of the following schedules:

- 1½ lbs. per 1,000 cu. ft. for 2 hours at 80-90 °F.
(19 oz. concentration at first ½ hour)
(12 oz. concentration at 2 hours); or
- 2 lbs. per 1,000 cu. ft. for 2 hours at 70-79 °F.
(24 oz. concentration at first ½ hour)
(16 oz. concentration at 2 hours); or
- 2½ lbs. per 1,000 cu. ft. for 2 hours at 60-69 °F.
(30 oz. concentration at first ½ hour)
(20 oz. concentration at 2 hours); or
- 3 lbs. per 1,000 cu. ft. for 2 hours at 50-59 °F.
(36 oz. concentration at first ½ hour)
(24 oz. concentration at 2 hours); or
- 3½ lbs. per 1,000 cu. ft. for 2 hours at 40-49 °F.
(41 oz. concentration at first ½ hour)
(27 oz. concentration at 2 hours)

NOTE: There is a possibility that some cut flowers could be damaged by such fumigation.

(d) *Irradiation.* Cut flowers and foliage that are required under this part to be treated or subjected to inspection to control one or more of the plant pests listed in §305.31(a) of this chapter may instead be treated with irradiation. Commodities treated with irradiation for plant pests listed in §305.31(a) must be irradiated at the doses listed in §305.31(a), and the irradiation treatment must be conducted in accordance with the other requirements of §305.34 of this chapter. There is a possibility that some cut flowers could be damaged by such irradiation.

(e) *Refusal of entry.* If an inspector finds that imported cut flowers are so infested with a plant pest or infected with disease that, in the judgment of the inspector, they cannot be cleaned or treated, or if they contain soil or other prohibited contaminants, the entire lot may be refused entry into the United States.

[64 FR 38110, July 15, 1999, as amended at 71 FR 4464, Jan. 27, 2006]

§319.74-3 Importations by the Department.

The U.S. Department of Agriculture may import cut flowers for experimental or scientific purposes under such conditions and restrictions as the

Administrator may prescribe to prevent the dissemination of plant pests.

§319.74-4 Costs and charges.

The Animal and Plant Health Inspection Service, U.S. Department of Agriculture, will be responsible only for the costs of providing the services of an inspector during regularly assigned hours of duty and at the usual places of duty (provisions relating to costs for other services of an inspector are contained in 7 CFR part 354). The importer, owner, or agent or representative of the importer or owner of cut flowers is responsible for all additional costs of inspection, treatment, movement, storage, or destruction ordered by an inspector under this subpart, including the costs of any labor, chemicals, packing materials, or other supplies required.

Subpart—Khapra Beetle

§319.75 Restrictions on importation of restricted articles; disposal of articles refused importation.

(a) The Secretary has determined that in order to prevent the entry into the United States of khapra beetle (*Trogoderma granarium* Everts) it is necessary to restrict the importation of certain articles from foreign countries and localities. Accordingly, no person shall import any restricted article unless in conformity with all of the applicable restrictions in this subpart.

(b) Any article refused importation for noncompliance with the requirements of this subpart shall be promptly removed from the United States or abandoned by the importer, and pending such action shall be subject to the immediate application of such safeguards against escape of plant pests as the inspector determines necessary to prevent the introduction into the United States of plant pests. If the article is not promptly safeguarded, removed from the United States, or abandoned by the importer for destruction, it may be seized, destroyed, or otherwise disposed of in accordance with section 414 of the Plant Protection Act (7 U.S.C. 7714).

(c) A restricted article may be imported without complying with other restrictions under this subpart if: